



SENATE JUDICIARY

Exhibit No. 6  
Date: 2/16/15  
Bill No. SB 262

"DEDICATED TO THE ENHANCEMENT OF FISH  
AND WILDLIFE HABITAT  
AND  
THE PRESERVATION OF OPEN SPACE IN THE  
BEAUTIFUL BITTERROOT VALLEY"

February 16, 2015

To: The MT Senate Judiciary Committee

Good Morning,

My name is Roger Raynal and I am from the Bitterroot Valley. I along with my wife have managed Tucker Crossing Ranch for almost 20 years. I am currently the Vice President for Painted Rocks Water Users Association and have been on that board for approximately 18 years as a director or officer. As an organization the board has recently voted to support the Compact.

I am here this morning to stand in support of the CSKT Water Compact and would like to briefly share two points of concern with you.

First, Bitterroot agriculture over the years has worked hard in a cooperative fashion with the Montana Department of Fish Wildlife and Parks to ensure adequate fishery and habitat protection on the Bitterroot River by way of maintaining minimum in-stream flow levels during the heat of summer and early fall. The parties involved have been successful enough over the years to convince the Confederated Salish and Kootenai Tribes that they have agreed to assert no additional in-stream flow rights in the Bitterroot River under the Compact. Rather, they have agreed to becoming co-shareholders and co-owners of record with MT FWP in their pre-existing State-owned contract water and junior in-stream recreational rights on the Bitterroot River.

It hasn't been easy for Bitterroot agriculture to voluntarily reduce irrigation diversions during low water years. Even with utilizing storage water in Painted Rocks Reservoir and Como Lake during those difficult times, generally we are not able to come close to our minimum target in-stream flow rate of 400 cfs at Bell Crossing. If the compact does not pass and the tribes are put in a position of having to file their water rights, undoubtedly, a long, expensive legal battle will occur for all. The outcome of which will undoubtedly be significantly reduced diversion rates for agriculture and greater in-stream flow rates in perpetuity because the tribes would have unquestionable water-right seniority in our valley. Extremely difficult "drought years" for agriculture will become the norm and our industry in the Bitterroot will not be recognizable as it is today.

Second, if the Compact does not pass, there is also one significant impact that has not been addressed at all that I'm aware of. This concern would be the impact to present and future wetland mitigation projects, State and Federal wildlife refuges, as well as private stream habitat enhancement projects in the western half of the state. Many of these projects rely on diverted

water. As an example, our ranch built and maintains the state wetland mitigation project for the Highway 93 expansion. Also in the Bitterroot Valley is the Lee Metcalf National Wildlife Refuge... the single largest shareholder of diverted water conveyed through the Supply Ditch system. Both of these projects rely on large volumes of diverted water. What is to become of the viability of these types of projects around the state if the water rights that have been secured for their long-term operations suddenly are in question and their water delivery volumes are slashed? Additionally, what incentive will there be in the future for private investment from individuals as well as large, national conservation groups such as Trout Unlimited or especially Ducks Unlimited to build or even maintain habitat projects in this state? How is the state of Montana going to be able to meet the Federal requirements of wetland mitigation if we don't have water? Without consistent and assured access to diverted water, these valuable, and unmentioned, beneficial uses will also greatly suffer.

Thank you for your time and consideration on these points.

Roger Raynal